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6 Attorneys for Defendant
MASTERSON COMMUNICATIONS, INC.

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**

11 TERESA L. JOHNSTON,

12 Plaintiff,

13 vs.

14 MASTERSON COMMUNICATION;
15 BLUE SHIELD OF CALIFORNIA;
16 WESTERN GROWERS ASSURANCE
TRUST; AND DOES 1-50, inclusive;

17 Defendants.

CASE NO.: C 06-04644-SBA

Hon. Sandra B. Armstrong

**STIPULATION RE LEAVE TO
FILE FIRST AMENDED
COMPLAINT; ORDER
THEREON**

18
19 The parties hereto, through their respective attorneys of record, Joseph John
20 Turri of Insurance Litigators & Counselors, attorney for Plaintiff Teresa L. Johnston;
21 Michael A. Vanic of Reish Luftman Reicher & Cohen, attorneys for Defendant
22 Masterson Communications, Inc. (erroneously sued herein as Masterson
23 Communication); John M. LeBlanc, Andrew S. Williams and Justin J. Lowe of Barger
24 & Wolen, LLP, attorneys for Defendant California Physicians' Service dba Blue Shield
25 of California (erroneously sued as Blue Shield of California) and Jonathan D.
26 Alexander, attorney for Defendant Western Growers Assurance Trust, hereby stipulate
27 and agree as follows:
28

STIPULATION

WHEREAS, counsel for Defendant Masterson Communications, Inc. and counsel for Plaintiff have met and conferred in an effort to avoid said Defendant filing a Motion to Dismiss pursuant to F.R.C.P. 12(b)(6) with regard to the Complaint and the defects therein as perceived by said Defendant;

WHEREAS, counsel for Defendant California Physicians' Service and counsel for Plaintiff have also met and conferred in an effort to avoid said Defendant filing a Motion to Dismiss pursuant to F.R.C.P. 12(b)(6) with regard to the Complaint and the defects therein as perceived by said Defendant; and

WHEREAS, counsel for all parties have agreed that Plaintiff may file a First Amended Complaint.

NOW, THEREFORE, the parties agree that Plaintiff may have leave from the Court to file a First Amended Complaint, which Plaintiff will file on or before the later of November 3, 2006 or two weeks after the date the Court signs and files the Order accompanying this Stipulation, and the Defendants shall have twenty (20) days from the date on which the First Amended Complaint is filed and served in which to file their respective responsive pleadings to Plaintiff's First Amended Complaint.

October 23, 2006

INSURANCE LITIGATORS & COUNSELORS

By: /s/ Joseph John Turri

Joseph John Turri
Attorneys for Plaintiff
TERESA A. JOHNSTON

1 October 23, 2006

REISH LUFTMAN REICHER & COHEN

2
3 By: /s/ Michael A. Vanic
4 Michael A. Vanic
5 Joseph C. Faucher
6 Pascal Benyamini
7 Attorneys for Defendant
MASTERTON COMMUNICATIONS, INC.

8 October 23, 2006

BARGER & WOLEN LLP

9
10 By: /s/ Justin J. Lowe
11 John M. Le Blanc
12 Andrew S. Williams
13 Justin J. Lowe
14 Attorneys for Defendant
CALIFORNIA PHYSICIANS' SERVICE
DBA BLUE SHIELD OF CALIFORNIA

15
16 October 23, 2006

WESTERN GROWERS ASSURANCE TRUST

17
18 By: /s/ Jonathan D. Alexander
19 Jonathan D. Alexander
20 Jason E. Resnick
21 Attorneys for Defendant
WESTERN GROWERS ASSURANCE
TRUST

22 **ORDER**


23
24 GOOD CAUSE APPEARING THEREFOR,

25 IT IS HEREBY ORDERED that Plaintiff Teresa A. Johnston shall have leave of
26 the Court to file a First Amended Complaint, which First Amended Complaint shall be
27 filed by the Plaintiff on or before the later of November 3, 2006 or two weeks after the
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1 date this Order is filed.

2 IT IS FURTHER ORDERED that the Defendants shall have twenty (20) days
3 from the date on which the First Amended Complaint is filed and served on them in
4 which to file their respective responsive pleadings to Plaintiff's First Amended
5 Complaint.

6
7
8 Dated: _10/23/06



Hon. Sandra B. Armstrong,
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2006, I electronically transmitted the attached document to the Clerk's Office using the CFM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Joseph John Turri – insterminator@aol.com

Jason E. Resnick – jresnick@wga.com

Jonathan D. Alexander – jalexander@wga.com

John M. LeBlanc – jleblanc@barwol.com

Michael A. Vanic – mikevanic@reish.com

A copy of the attached document was sent via Federal Express this 19th day of October 2006 to:

Chamber Copy
Honorable Sandra Brown Armstrong
United States District Judge
Northern District of California
1301 Clay Street, 400 South
Oakland, California 94612-5212

By: /s/ Michael A. Vanic